

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTFLASH LLC and
SMARTFLASH TECHNOLOGIES
LIMITED,

Plaintiffs,

v.

APPLE INC., ROBOT ENTERTAINMENT,
INC., KINGSISLE ENTERTAINMENT, INC.,
and GAME CIRCUS LLC,


Defendants.

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) Civil Action No. 6:13-cv-447
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I, David W. Nichols, hereby declare as follows:

1. I am employed as President and COO at KingsIsle Entertainment Incorporated (“KingsIsle”). I have worked at KingsIsle since 2005.
2. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by KingsIsle in the ordinary course of business. I submit this declaration in connection with Apple’s Motions to Sever and Transfer.
3. The Crown Shop in Grub Guardian uses the Apple Store Kit and the Server Delivery Model to track and deliver products users purchase from the Crown Shop.
4. The Apple Store Kit is not used in conjunction with WizardBlox.
5. KingsIsle does not oppose Apple’s Motion to Sever.
6. KingsIsle consents to Apple’s Motion to Transfer.

Executed on October 11, 2013


Name